

REMARKS

In paragraph 2 of the aOffice Action, claims 1, 9-13, 17-20, 26-30 and 34 were rejected under 35 U.S.C. §102(e) as being anticipated by Shah et al. (Shah).

Reconsideration is requested.

The Examiner has cited Shah as disclosing that “:upon curing, a compound results that meets the Applicant’s claimed covalently bound compound, especially when the coating is cured upon the disclosed polyurethane substrate”. Shah actually disclose a composition which comprises hyaluronic acid or a salt thereof, such as hyaluronic acid sulfates and a blocked polisocyanate in a solvent.

Shah discloses that his composition is suitable for application onto solid polymeric substrates including a polyurethane substrate to create a coating on the surface of the substrate using conventional coating methods. When the Shah process is carried out on a polyurethane substrate, the solvent is allowed to evaporate and the coating is cured. After the coating is cured, the resulting coated and cured substrate differ from the claimed covalent bound compound because Shah directs one to rinse or soak his coated product to remove any uncomplexed polymers. The only modified polyurethane product that can result when the Shah coating technique is applied to a solid polyurethane surface would be a molecular layer where the hexamethylene diisocyanate of the Shah composition is attached to the outer surface of a solid polyurethane. This is not a compound *per se* as is pointed out in the present claims as at most it is a chemically modified surface which cannot be employed in the same manner that the compound of claim 1 can be used, namely, for making a solid article or as a coating composition. No method is given for isolation of any compound from the surface described by Shah. The Shah patent does not disclose anything that suggests that a compound could be formed where the polyurethane is covalently bound to an O-sulphated hyaluronic acid.

The Shah patent was applied for on September 30, 1998 while the present application has a priority date of February 25, 1998. For this reason, Shah is not prior art against the present application. For these reasons, it is requested that this ground of rejection be withdrawn.

In paragraph 3 of the Office Action, claims 2, 6, 8 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shah.

Reconsideration is requested.

The Shah patent has been distinguished from the claimed invention above. In addition, it has been noted that the sulphated hyaluronic acid which is not on the surface, as is the claimed covalent compound, will in a hydrophilic environment migrate to the surface and will thus increase its

concentration at the biological system material interface. This provides improved properties in terms of platelet adhesion, coagulation time etc. As reported in Examples 1-3, 6,7 and 11 of the present specification, the properties of the claimed compound are improved with regard to anticoagulant activity. Claim 8 has been amended to point out that the hexamethylene diisocyanate and the polyurethane reactions take place in solution as disclosed in the Examples of the present application. This is not disclosed by Shah. For these reasons, it is requested that this ground of rejection be withdrawn.

In paragraph 4 of the Office Action, claims 1, 9, 10, 13, 17-20, 26, 27 and 30 were rejected under 35 U.S.C. §102(a) as being anticipated by WO98/45335 and in paragraph 5 of the Office Action, claims 1, 2, 5, 9-21, 243 and 26-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over WO98/45335.

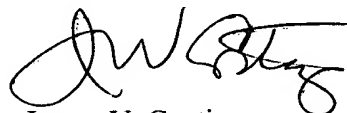
Reconsideration is requested.

WO98/45335 only shows a surface reaction between hyaluronic acid derivative and a solid surface which in the case of Example 8 of WO98/45335 may be a solid polyurethane surface. The resulting product is a surface having a layer of a product that is not a covalently bound compound which may be used as a coating or to make biocompatible materials. In addition, WO98/45335 has a filing date of April 3, 1998 which is after the priority date of the present application. For these reasons, it is requested that this ground of rejection be withdrawn.

The Examiner is thanked for his courtesy in indicating the allowability of claim 7. Claim 7 has been revised to be in independent form and is in condition for allowance.

An early and favorable action is earnestly solicited.

Respectfully submitted,



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